

COLORADO STATE BOARD OF PHARMACY

July 18, 2013

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Luis Rivera-Lleras, RPh, at approximately 8:31 a.m. on Thursday, July 18, 2013 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Professions and Occupations Policy Number 80-17.

Board members attending were: Jeannine Dickerhofe, RPh; Heather Hawker, JD; Wesley Hunter, RPh; Donald Johnson, RPh; Ginny Orndorff, MBA; and Armand Potestio, RPh, and Luis Rivera-Lleras, RPh.

Staff members attending were: Chris Gassen, RPh, Interim Program Director; Lisa Cornett, RPh Chief Inspector; Tia Johnson, Prescription Drug Monitoring Program ("PDMP") Administrator; Janina Rivera, PDMP Administrator; and Jean Rowcliffe, Complaint and Licensing Specialist. Also present were Jack Wesoky, Senior Assistant Attorney General, and Leanne DeVos, Assistant Attorney General, to advise the Board.

The Board welcomed Wesley Hunter, RPh, a newly appointed member to the Board effective July 1, 2013. Mr. Hunter and each Board member briefly introduced themselves.

APPROVAL OF THE MINUTES

The Board approved of the minutes from the May 16, 2013 meetings as amended.

Hearings

The Board conducted a public hearing concerning additions and amendments to Board Rules 3.00.00, 4.00.00, 5.00.00, 15.00.00, and 23.00.00 (3 CCR, 719-1). The hearing began at 9:35 a.m., and was held in Conference Room 110 D at 1560 Broadway, Denver, Colorado 80202. Notice of this hearing was given in accordance with Division of Professions and Occupations Policy Number 80-17. The Board discussed the proposed additions and amendments to the rules, including all written comments provided regarding these rules, and then voted unanimously to adopt: Rules 3.00.21, 3.00.22, 3.00.55, and 3.00.90 as proposed; Rule 3.01.00 as amended; Rules 4.00.10 and 4.00.20 as proposed; Rule 5.01.31 as amended; and Rules 15.10.14 and 23.00.90 as proposed.

REPORTS

President's Remarks

Mr. Rivera-Lleras thanked other Board members and staff for the selection and support he has received becoming the new Board President.

Interim Program Director's Report

Mr. Gassen presented a proposed new Board policy (Policy 40-11), entitled "Dispensing Controlled Substances", which supports the National Governors Association's initiative to reduce prescription drug abuse. While the Board voted unanimously to approve of this policy as amended, Mr. Gassen informed the Board that stakeholder comment regarding this policy is still required prior to final approval. While the Board directed Mr. Gassen to approve the policy if no substantive changes are recommended from stakeholder feedback, the Board also directed him to bring the policy back for its review at its September meeting if substantive changes are recommended.

Mr. Gassen requested that the Board members provide discussion topics for the August annual planning meeting. The Board provided the following topics: (1) Certification of pharmacy technicians; and (2) Continuing Professional Development ("CPD") for pharmacists. Mr. Gassen recommended that the Board consider cancelling its August annual planning meeting and to spread the discussion of these topics over the course of future regularly scheduled Board meetings. After consideration of the available information, the Board voted unanimously to cancel the August meeting and to discuss the aforementioned topics over the course of future regularly scheduled Board meetings.

Colorado Pharmacists Society ("CPS") – Donald Johnson, RPh

The 2013 CPS Annual Meeting was held on May 30 through June 1, 2013 at the Cheyenne Mountain Resort in Colorado Springs, CO. The Annual meeting included the presentation of awards for: Pharmacists of the Year (Jeannine Dickerhofe and Sarah Anderson); and Bowl of Hygieia (Ronald Kennedy).

Planning has begun for the 2014 Winter Continuing Education (CE) Seminar, which will be held on January 12 through 15, 2014 in Vail, CO. Fifteen hours of CE hours will be offered.

Governor's Expert Emergency Epidemic Response Committee ("GEEERC") – Jeannine Dickerhofe, RPh

No Report was provided. Ms. Dickerhofe stated that the next meeting of the GEEERC is scheduled for August 8, 2013.

Intern & School Relations – Jeannine Dickerhofe, RPh

Dr. Marianne McCollum, from the Regis University School of Pharmacy, reported that the school has received notification that it is now fully accredited by the Accreditation Council for Pharmacy Education ("ACPE").

Dr. Catherine Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, reported that the school has begun to renew its curriculum, and that it will be a four-year process to get the entire curriculum renewed.

Legislation - Jeannine Dickerhofe, RPh

Ms. Dickerhofe provided an update to the Board regarding the completed legislative session. She reported that the 2013 session was one of the busiest sessions in recent memory as far as legislation affecting pharmacy.

Compounding Task Force

The Board reviewed the applications submitted from pharmacists wishing to serve on the Compounding Task Force. After careful consideration of the available information, the Board voted unanimously to appoint the following to the Compounding Task Force:

Pharmacist Members

Thomas Branigan
Darby Brown
Peter Campanella
Jason Cardona
Kelly Carstens
Robert Duke
Kelly Griffith
Tony Jones
Val Kalnins
Jerrod Milton
Gregg Pederson
Eilene Reiber
Timothy Slowey
Gerald Young, Jr.

Board Members

Jeannine Dickerhofe
Wesley Hunter
Ginny Orndorff
Armand Potestio

Prescribing Practitioners

Dr. Alan Kimura (Ophthalmologist)
Dr. Melanie Marsden (Veterinarian)
Medical Doctor (To Be Determined)

Mr. Gassen stated that while a specific date and time for the first task force meeting is still being determined, it is believed that the first meeting will be in October 2013. All meetings will be publically noticed.

Prescription Drug Monitoring Program ("PDMP")

May-June 2013 PDMP Statistical Data

The Board noted the information.

Tracy C. Green, PhD, Inflexion, Inc.

The Board reviewed a request to enter into an agreement for de-identified Colorado PDMP data for bona fide research purposes pursuant to CRS 12-42.5-404(5), and after careful consideration of the available information, the Board voted unanimously to approve the request.

Jason Hoppe, DO, University of Colorado-Denver

The Board reviewed a request to enter into an agreement for de-identified Colorado PDMP data for bona fide research purposes pursuant to CRS 12-42.5-404(5), and after careful consideration of the available information, the Board voted unanimously to approve request.

Debra M. Jones-Dennis, P.A. 2013-1851

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time. However, the Board also voted unanimously to refer this case to the Colorado Medical Board for its review.

Inspectors

City Market Pharmacy #430, PDO 100-4

The Board reviewed an Agenda Memorandum from Inspector Mark O'Neill regarding a recent inspection of City Market Pharmacy #430. After careful consideration of the available information, the Board voted unanimously to initiate a complaint against the prescription drug outlet registration of City Market Pharmacy #430.

Kremmling Memorial Hospital District, OO 156

The Board reviewed an Agenda Memorandum from Inspector Susan Martin regarding a recent routine inspection of Kremmling Memorial Hospital District. After careful consideration of the available information, the Board voted unanimously to initiate a complaint against Kremmling Memorial Hospital District's other outlet registration.

Omnicare of Pueblo, PDO 104-40

The Board reviewed an Agenda Memorandum from Inspector Mark Kalkis regarding a recent inspection of Omnicare of Pueblo. After careful consideration of the available information, the Board voted unanimously to initiate a complaint against Omnicare of Pueblo's prescription drug outlet registration.

Walgreen Pharmacy #3500, PDO 405

Don Johnson, RPh, recused.

The Board reviewed an Agenda Memorandum from Ms. Cornett regarding a recent routine inspection of Walgreen Pharmacy #3500 conducted by Board staff. After careful consideration of the available information, the Board voted unanimously to initiate a complaint against the prescription drug outlet registration of Walgreen Pharmacy #3500.

OLD BUSINESS

Correspondence

Arkansas Valley Regional Medical Center Pharmacy's Proposed Policy for Specialized Prescription Drug Outlet under Board Rule 25.00.00

The Board voted unanimously to approve of the proposed policy and procedure manual.

Complaints

Aspire RX Pharmacy, OSP 5965 & Case 2013-0539

The Board voted unanimously to dismiss the complaint as being without merit.

Homescripts.com, LLC, OSP 6106 & Case 2013-0574

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Triumph Pharmacy, LLC, OSP 6093 & Case 2013-0533

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Worksite Pharmacy #11578, OSP 5651 & Case 2013-0579

The Board voted unanimously to dismiss the complaint as being without merit.

Stipulations

Dansby, Thomas, RPH 1298 & Case 2013-0213

Donald Johnson, RPh, recused.

The Board reviewed an Agenda Memorandum from Ms. Cornett regarding Mr. Dansby's Stipulation for Interim Cessation of Practice he entered into with the Board and the results of an evaluation from the Colorado Peer Health Assistance Diversion Program. The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Kaiser Permanente Rock Creek Pharmacy, PDO 12-7 & Case 2012-6471

Jeannine Dickerhofe, RPh, recused.

The Board reviewed an Agenda Memorandum from Ms. Rowcliffe regarding Kaiser Permanente Rock Creek Pharmacy's submission for approval of their sample distribution record and repackaging label. After careful consideration of the available information, the Board voted unanimously to approve the submission and to restore the pharmacy's registration to an active and unconditional status.

Medina, Joy, RPH 11300 & Case 2013-2124

Jeannine Dickerhofe, RPh, recused.

The Board reviewed an Agenda Memorandum from Ms. Cornett regarding Ms. Medina's Stipulation for Interim Cessation of Practice she entered into with the Board and the results of an evaluation from the Colorado Peer Health Assistance Diversion Program. The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Rasmussen, Terry A., RPH 10057 & Case 2012-2433

The Board reviewed an Agenda Memorandum from Ms. Rowcliffe regarding the current status of the stipulation requirements as outlined in a Stipulation and Final Agency Order he entered into with the Board. The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Ricklefs, Brendan, RPH 17609 & Case 2010-2951

The Board reviewed an Agenda Memorandum from Ms. Cornett regarding Mr. Ricklefs request to modify the terms of his current Stipulation and Final Agency Order he entered into with the Board in order to allow him to be a pharmacist manager, with approval from the Pharmacy Peer Health Assistance Diversion Program, and to reduce the minimum work-hour requirement to 60 hours per month for a majority of the probationary period. The Board voted unanimously to amend the stipulation as requested.

Sackey, George, RPH 15581 & Case 2012-1672

The Board reviewed an Agenda Memorandum from Ms. Rowcliffe regarding a request from Mr. Sackey for an extension of the time to complete the Problem Based Ethics ("ProBE") Course. The Board voted unanimously to grant Mr. Sackey a one year extension to take and unconditionally pass the ProBE.

NEW BUSINESS

Complaints

Ameridose, LLC, WHO 7660 **2013-1782**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Ameridose, LLC, WHO 7290 **2013-1783**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

CVS Caremark #2921, WHO 7251 **2013-1784**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

ESI Mail Pharmacy Services, Inc., WHO 7023 **2013-1785**

The Board voted unanimously to dismiss the complaint as being without merit.

Greer Laboratories, Inc., WHO 7756 **2013-1786**

The Board voted unanimously to dismiss the complaint as being without merit.

Ivesco Holdings, LLC, WHO 7555 **2013-1788**

The Board voted unanimously to dismiss the complaint as being without merit.

Bordon, Scott, RPH 11509 **2013-0686**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time. The Board, however, also voted unanimously to initiate a complaint against the prescription drug outlet registration of Safeway Pharmacy #2625 (PDO 53-60) for an alleged failure to maintain the prescription orders involving this Case 2013-0686.

Clearspring Pharmacy Ltd., PDO 79-62 **2013-0832**

The Board voted unanimously to dismiss the complaint as being without merit.

College Pharmacy, PDO 24-38 **2013-0869**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Gillick, Jerry, RPH 16960 **2013-0870**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Delta County Memorial Hospital, PDO 99-24 **2013-1481**

The Board voted unanimously to dismiss the complaint as being without merit.

Fairplay Pharmacy, PDO 157-1 **2013-1114**

The Board voted unanimously to dismiss the complaint as being without merit.

Havana Pharmacy and Medical Supply, LLC, PDO 836 **2013-0771**

The Board voted unanimously to dismiss the complaint as being without merit.

Hicks, Amanda, RPH 16628 **2013-1363**

Donald Johnson, RPh, recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Hyrax Pharmaceuticals, WHI 6091 **2013-0973**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Lyons, Debra, RPH 14826 **2013-2249**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board found that the public health, safety, and welfare imperatively required emergency action, and to order Ms. Lyons to obtain an evaluation pursuant to CRS 12-42.5-204(3) from the Pharmacy Peer Health Assistance Diversion Program.

Makarova, Tatiana, RPH 18510 **2013-0975**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Klickna, Jessica, RPH 17454 **2013-0976**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Meeker Family Health Center, OO 452 **2013-1888**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Nguyen, My, RPH 15134 **2013-1461**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Parks, Nicole, RPH 17127 **2013-1452**

The Board voted unanimously to dismiss the complaint as being without merit.

Pencol Compounding Pharmacy, PDO 154 **2013-0974**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Sapone, Derek, RPH 19660

2013-1674

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Turf, Christopher, RPH 13556

2013-1887

Armand Potestio, RPh, recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board found that the public health, safety, and welfare imperatively required emergency action, and to summarily suspend Mr. Turf's pharmacist license should he fail to enter into an interim cessation of practice agreement with the Board by 3:00 p.m. on July 30, 2013.

Turf, Christopher, RPH 13556

2013-2132

Armand Potestio, RPh, recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board found that the public health, safety, and welfare imperatively required emergency action, and to summarily suspend Mr. Turf's pharmacist license should he fail to enter into an interim cessation of practice agreement with the Board by 3:00 p.m. on July 30, 2013.

Walgreen Pharmacy #4307, PDO 7-23

2013-1120

Donald Johnson, RPh, recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Selken, Kory, RPH 16685

2013-1122

Donald Johnson, RPh, recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Wallin, Keith, RPH 11502

2013-0769

Jeannine Dickerhofe, RPh, recused.

The Board voted unanimously to dismiss the complaint as being without merit.

Ward, Scott, RPH 18306

2013-1417

Donald Johnson, RPh, recused.

The Board voted unanimously to table further consideration of this case pending receipt of additional information.

Webster, Eileen, RPH 14785

2013-0275

Cases 2013-0275 and 2013-0697 involved the same complaint and was initiated by two separate complainants. The Board therefore voted unanimously to issue **one** Letter of Admonition pertaining to both cases for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Webster, Eileen, RPH 14785

2013-0697

Cases 2013-0275 and 2013-0697 involved the same complaint and was initiated by two separate complainants. The Board therefore voted unanimously to issue **one** Letter of Admonition pertaining to both cases for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

LICENSING/REGISTRATION

Advantage Pharmacy LLC, Non-Resident Prescription Drug Outlet Applicant

The Board reviewed an Agenda Memorandum from Ms. Rowcliffe regarding Advantage Pharmacy's nonresident pharmacy application. After careful consideration of the available information, the Board voted unanimously to refer this matter to Executive Session.

After Executive Session, the Board voted unanimously to deny Advantage Pharmacy's nonresident pharmacy application. Grounds for denial were noted to include, but were not limited to, CRS 12-42.5-123(1)(c) and (g). The Board also voted unanimously to refer the matter to discipline to offer Advantage Pharmacy, LLC a conditional registration.

Klockau, Christopher L., Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Ms. Rowcliffe regarding Mr. Klockau's pharmacy intern application. After careful consideration of the available information, the Board voted unanimously to refer this matter to Executive Session.

After Executive Session, the Board voted unanimously to issue Mr. Klockau a pharmacy intern license.

MISCELLANEOUS

Correspondence, etc.

Elms Haven Care and Rehabilitation Center Pharmacy's Proposed Policy and Procedure manual for Specialized Prescription Drug Outlet under Board Rule 25.00.00

The Board voted unanimously to approve of the proposed policy and procedure manual.

Inquiry from Kaiser Permanente

Jeannine Dickerhofe, RPh, recused.

After careful consideration of the available information, the Board determined that while a non-hospital pharmacy may not maintain its drug stocks in automated dispensing machines located outside the pharmacy's designated compounding/dispensing area, it may distribute drug stocks to individual practitioners authorized by law to prescribe them within the non-hospital clinic. Once such drug stocks are distributed to a practitioner authorized by law to prescribe them, the practitioner may store them in an automated dispensing machine. Records of distribution shall comply with Board Rule 11.07.20.

The Board will also consider amending its rules, if authorized under current law, to allow pharmacies operated by health maintenance organizations (as defined in Section 10-6-102, C.R.S.) to maintain "floor stock" by distributing drug stocks to various units of a non-hospital clinic in the same manner currently afforded to hospital pharmacies pursuant to Board Rule 11.07.10.

National Association of Boards of Pharmacy ("NABP") Updates Verified-Accredited Wholesale Distributors ("VAWD") Criteria, Continuing Efforts to Help Secure the Integrity of United States Drug Supply Chain for the Protection of Public Health

The Board noted the information.

Restricted Distribution and Revenue Sharing between Veterinarians and Pharmacies

The Board voted unanimously to refer this matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to table further consideration of this matter pending receipt of additional information from its Counsel.

Verified-Accredited Wholesale Distributors ("VAWD") Criteria Revisions

The Board noted the information.

EXECUTIVE SESSION

At 1:25 p.m., Board President Luis Rivera-Lleras, R.Ph. moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with six votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 4:29 p.m.

Open Session

Case 2013-0216

Donald Johnson, RPh, recused.

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Case 2013-0827

Donald Johnson, RPh, recused.

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2013-0310

Donald Johnson, RPh, recused.

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act. The Board also voted unanimously to initiate a case against the prescription drug outlet registration of Walgreen Pharmacy #4721 (PDO 104-62) for an alleged failure to provide the Board's staff with the pharmacy's required notice of initial interpretation and final evaluation despite repeated requests to do so.

Case 2013-0877

Donald Johnson, RPh, recused.

The Board voted unanimously to dismiss the case as being without merit.

Case 2013-0960

Donald Johnson, RPh, recused.

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2013-1115

Donald Johnson, RPh, recused.

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Case 2013-1116

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2013-0531

The Board voted unanimously to rescind its previous referral of this case to discipline, to dismiss the case, and to expire the registration.

Case 2013-0541

The Board voted unanimously to rescind its previous referral of this case to discipline, and to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

ADJOURNMENT

The Board adjourned at 4:40 p.m.

Luis Rivera-Lleras, R.Ph.
Board President

Approval Date